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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 UNITED STATES OF AMERICA,) No. 08-70382 RS
17 Plaintiff,)
18 v.) STIPULATION AND [PROPOSED]
19 JUAN MANUEL SILVA-QUESADA,) ORDER EXCLUDING TIME
20 Defendant.) SAN JOSE VENUE

21 On July 10, 2008, defendant JUAN MANUEL SILVA-QUESADA appeared before the
22 Court for a preliminary hearing. At the appearance, defendant waived time and requested
23 discovery from the United States. The Court set the matter for arraignment before Judge
24 Trumbull on August 7, 2008. Counsel for the United States requested an exclusion of time under
25 the Speedy Trial Act from July 10, 2008 to August 7, 2008. The defendant, through counsel,
26 agreed to the exclusion.

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1 The undersigned parties agree and stipulate that an exclusion of time is appropriate based
2 on the defendant's need for continuity of counsel and effective preparation.

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5 SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

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7 DATED: 7/22/08

/s/
DANIEL R. KALEBA
Assistant United States Attorney

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10 DATED: 7/23/08

/s/
RICHARD POINTER
Counsel to Defendant

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14 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
15 under the Speedy Trial Act from July 10, 2008 to August 7, 2008. The Court finds, based on the
16 aforementioned reasons, that the ends of justice served by granting the requested continuance
17 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant
18 the requested continuance would deny defense counsel reasonable time necessary for effective
19 preparation and continuity, taking into account the exercise of due diligence, and would result in
20 a miscarriage of justice. The Court therefore concludes that this exclusion of time should be
21 made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

22 SO ORDERED.

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24 DATED: _____

HOWARD R. LLOYD
United States Magistrate Judge